

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KEVIN PHILLIPS,)	3:12-cv-00344-RCJ-WGC
)	
Plaintiff,)	<u>MINUTES OF PROCEEDINGS</u>
)	
vs.)	January 17, 2013
)	
C.R. BARD, INC., <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

PRESENT: THE HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: Katie Lynn Ogden REPORTER: FTR

COUNSEL FOR PLAINTIFF: Peter Wetherall, Ramon Lopez and Troy Brenes

COUNSEL FOR DEFENDANT(S): Richard North, Matthew Lerner and Jay Schuttert

MINUTES OF PROCEEDINGS: Case Management Conference

10:31 Court Convenes.

I. Preliminary Matters

The parties have filed the Joint Status Report under Seal. The court is not inclined to have the document remain under seal. The court directs that the parties re-file the joint status report in a fashion which it may be filed without the necessity of submitting under seal.

Therefore, plaintiff's Motion to Seal Dkt. #44 Joint Case Management Report and Attached Exhibits (Dkt. #43) is **DENIED** and shall be re-filed without the confidential documents and not under seal .

II. Discussion regarding Joint Status Report (Dkt. #44)

The court and parties address a multitude of discovery disputes that remain outstanding. After hearing argument from the parties, the court orders the following:

A. Privilege Logs

The parties inform the court that they have complied with the meet and confer standards with respect to the outstanding issue regarding privilege logs and requests that the issue(s) be

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briefed. The court finds that an appropriate approach to initiate briefing regarding this topic is for the parties to file a joint submission of the categories of documents with regard to the privilege log. Simultaneously, the joint submission should include statements from each party explaining their position with regard to the documents. The court believes this approach may guide defendants when filing the anticipated Motion for Protective Order.

The parties shall additionally provide the court with adequate representative sampling (no more than fifty (50) pages) of the documents, which shall be submitted for in camera review only. The sampling of documents should be the only portion of the joint submission that is presented to the court for in camera review and should be delivered to chambers. The joint submission shall be filed no later than **Friday, February 15, 2013**.

B. Format of Production of ESI

Mr. Brenes represents that, after multiple meet and confer with defendants, it appears that the parties remain in dispute regarding the format of production of ESI. Mr. Brenes and Mr. North indicate that the parties agree briefing is appropriate. The parties shall submit a joint brief with regard to this issue no later than **Friday, February 8, 2013**.

C. ESI Custodial Files

Mr. Lopez requests that this topic be addressed by the court today, while Mr. North disagrees and represents that this issue is appropriate for briefing. The court is not inclined and is in the opinion that this issue is premature for ruling. The court explains that it appears that this issue needs to be part of a meet and confer obligation once again. Should the parties not reach an agreement the court directs that they assume briefing the matter which shall have a joint submission deadline of **Friday, February 15, 2013**.

D. Search Methodologies

The court explains that this topic appears to be similar to that of the ESI Custodial Files. Again, the court is not inclined to rule on this issue and directs that the parties continue to attempt to resolve this issues. Should the parties not reach an agreement, the court directs that they assume briefing the matter which shall have a joint submission deadline of **Friday, February 15, 2013**.

III. Continued Case Management Conference Scheduled

The court schedules a Continued Case Management Conference for **Tuesday, February 5, 2013, at 9:30 a.m.**

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11:33 a.m. Court Adjourns.

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: /s/
Katie Lynn Ogden, Deputy Clerk